In the United States Patent and Trademark Office
Before The Board of Patent Appeals and Interferences

In re Patent Application of:	)	Examiner:	Vig, Naresh
	)		
Holliman, *et al.*	)	Art Unit:	3629
	)		
Application No.: 09/275,514	)		
	)		
Confirmation No.: 9862	)		
	)		
Filed: March 24, 1999	)		
	)		
For: PARTIAL PROTECTION OF CONTENT	)		
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APPELLANT'S BRIEF UNDER 37 C.F.R. §1.192 IN SUPPORT OF APPELLANT'S APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

In response to the Notification of Non-Compliance mailed, Appellants hereby re-submit the Appeal Brief previously submitted on January 16, 2007, in support of their appeal. This is a re-submission of Appellant's Brief in response to the Notification of Non-Compliance mailed on May 10, 2007. The deficiency has been corrected. This appeal furthers the Notice of Appeal filed on August 10, 2005.

Appellants re-submit this *Brief on Appeal.* Payment in the amount of $500.00 to cover the fee for filing the *Brief on Appeal* was tendered with the original submission. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

1. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

2. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, of have a bearing on the Board's decision.

3. STATUS OF THE CLAIMS

Claims 1-32 are now pending in the above referenced patent application. Claims 1-32 were rejected in the Final Office Action mailed on April 06, 2005 and are the subject of this appeal.

4. STATUS OF THE AMENDMENTS

No amendments have been filed subject to the Final Rejection.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is as follows. Support for each limitation of claim 1 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"1. (Previously Presented) A method of providing content to a receiving device having an associated identifier associated with a network address for the receiving device, comprising:" **(Elements 14, 18, and 20-24 of Figure 1; Page 6, line 16 through page 8, line 11; Page 9, line 12 through page 10, line 2.)**

"selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;" **(Element 34 of Figure 1; Page 6, line 16 through page 7, line 3.)**

"protecting the segments of the set, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is

undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier; and" **(Element 36 of Figure 1; Page 9, lines 12-29.)**

"providing access to the group of segments over a network." **(Element 38 of Figure 1; Page 9, line 29 through page 10, line 2.)**

Independent claim 3 is as follows. Support for each limitation of claim 3 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"3. (Previously Presented) A method of providing content, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;" **(Element 34 of Figure 1; Page 6, line 16 through page 7, line 3.)**

"protecting the segments of the set, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available;" **(Element 36 of Figure 1; Page 9, lines 12-29.)**

"providing access to the group of segments over a network;" **(Element 38 of Figure 1; Page 9, line 29 through page 10, line 2.)**

"wherein selecting the set involves selecting at least some of the set for visual scrambling and protecting the set includes visual scrambling those segments selected for visual scrambling; and" **(Element 34 of Figure 1; Page 6, line 16 through page 7, line 3. Element 36 of Figure 1; Page 9, lines 12-29.)**

"wherein visual scrambling involves using a key, including a remote computer number." **(Element 156 of Figure 6; Page 9, lines 12-29.)**

Independent claim 12 is as follows. Support for each limitation of claim 12 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"12. (Previously Presented) A method of receiving and processing content by at least one receiving device having an associated identifier with a network address for the

receiving device, comprising:" **(Elements 18 and 20-24 of Figure 1; Page 6, line 16 through page 8, line 11; Page 9, line 12 through page 10, line 2.))**

"accessing over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein the set, but not the other segments of the group, have been protected to prevent the protected segments from being properly reproduced without undoing the protection with assistance of a correct key that is not generally available and is based at least in part on the associated identifier;" **(Elements 18 and 20-24 of Figure 1; Page 6, line 16 through page 8, line 11; Page 9, line 12 through page 10, line 2.)**

"undoing the protection if the correct key is received; and" **(Element 176 of Figure 7; Page 10, lines 3-9.)**

"playing the group of segments seamlessly with a media player." **(Elements 42-46 of Figure 1; Page 10, line 10 through page 11, line 12.)**

Independent claim 19 is as follows. Support for each limitation of claim 19 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"19. (Previously Presented) A content providing system, comprising:

storage to hold at least content divided into segments and an identifier associated with a network address for a receiving device;" **(Elements 224 and 228 of Figure 11; Page 15, line 19 through page 16, line 2.)**

"a user interface; and" **(Element 32 of Figures 1 and 4; Page 6, line 16 through page 7, line 3.)**

"circuitry and software cooperating with the user interface to select a set of the segments to be protected from a group of segments, wherein the set does not include all segments of the group, and to protect the set of segments, but not the other segments of the group, to allow access to the unprotected segments over a network but to prevent the protected segments from being properly reproduced over the network unless the protection is undone with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on the associated identifier." **(Elements 34-38 of Figures 1 and 4, and elements 120-132 of Figure 4; Page 6, line 16 through**

page 8, line 11; Page 9, line 12 through page 10, line 2. Elements 222-228 of Figure 11; Page 15, line 19 through page 16, line 2.)

Independent claim 26 is as follows. Support for each limitation of claim 26 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"26. (Previously Presented) An article comprising:

a machine readable media including instructions that when executed cause a content providing system to:" **(Elements 224, 228, and 230 of Figure 11; Page 15, line 19 through page 16, line 2.)**

"select a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;" **(Element 34 of Figure 1; Page 6, line 16 through page 7, line 3.)**

"protect the segments of the set with, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on an identifier associated with a network address for a receiving device; and" **(Element 36 of Figure 1; Page 9, lines 12-29.)**

"provide access to the group of segments over a network." **(Element 38 of Figure 1; Page 9, line 29 through page 10, line 2.)**

Independent claim 28 is as follows. Support for each limitation of claim 28 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"28. (Previously Presented) An article comprising:

a machine readable media including instructions that when executed cause a content providing system to:" **(Elements 224, 228, and 230 of Figure 11; Page 15, line 19 through page 16, line 2.)**

"access over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein the set, but not the other segments of the group, have been protected to prevent the protected segments from being

properly reproduced without undoing the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on an identifier associated with a network address for a receiving device for the content;" **(Elements 18 and 20-24 of Figure 1; Page 6, line 16 through page 8, line 11; Page 9, line 12 through page 10, line 2.)**

"undo the protection if the correct key is received; and" **(Element 176 of Figure 7; Page 10, lines 3-9.)**

"play the group of segments seamlessly with a media player." **(Elements 42-46 of Figure 1; Page 10, line 10 through page 11, line 12.)**

Independent claim 30 is as follows. Support for each limitation of claim 30 in the form of figure elements corresponding to each limitation and portions of the Specification given by page and line numbers for each limitation is shown, inline:

"30. (Previously Presented) A method of providing content to at least one receiving device having an associated identifier associated with a network address for a receiving device, comprising:" **(Elements 14, 18, and 20-24 of Figure 1; Page 6, line 16 through page 8, line 11; Page 9, line 12 through page 10, line 2.)**

"selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;" **(Element 34 of Figure 1; Page 6, line 16 through page 7, line 3.)**

"protecting the segments of the set, but not the other segments, through visual scrambling determined based at least in part on the associated identifier; and" **(Element 36 of Figure 1; Page 9, lines 12-29.)**

"providing access to the group of segments over a network." **(Element 38 of Figure 1; Page 9, line 29 through page 10, line 2.)**

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The above referenced patent application has been reviewed in light of the Office Action, dated April 06, 2005, in which:

- claims 1-16, and 19-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis et al. (hereafter, `Lewis,' US Patent No. 6,385,388 B1) in combination with Hsu (US Patent No. 6,195,692 B1) in further combination with DirecTV;

- and claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis in combination with Hsu in further combination with DirecTV in further combination with "Ratings, Filters, and Censorship" by Gary Robson (hereafter, `Robson').

7. ARGUMENT

7.1 35 U.S.C. § 103(a)

7.1.1 Lewis, Hsu, and DirecTV: Claims 1-16, and 19-32

The PTO has also rejected claims 1-16, and 19-32 under 35 U.S.C. § 103(a) based upon Lewis and Hsu in combination with DirecTV. Applicants respectfully disagree.

7.1.1.1 Official Notice

It is noted that the April 2005 Office Action does not cite Official Notice in the summary paragraph of the rejection (page 3, paragraph 3); however, the term Official Notice occasionally appears within the detailed explanation of the rejection of various claims. For example, claims 2 & 13 on page 13, paragraph 2.

Appellants are unsure if the PTO intended to base the rejection on this Official Notice or if the Notice had been withdrawn and merely inadvertently included from previous Office Actions.

Regardless, the PTO's Official Notice of the use of "business choice" is respectfully traversed. The PTO claims "Official notice it [sic] taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to select what part of [sic] data stream need [sic] to be scrambled to prevent unintended use of the data."

Appellants respectfully note that the PTO is not taking Official Notice of a technology or bit of scientific knowledge, but instead the PTO is taking Official Notice of what one skilled in the art would consider obvious. In other words, the PTO is attempting to establish a *prima facie* case of obviousness by taking Official Notice of the legal conclusion of obviousness. M.P.E.P. § 2144.03, which deals with Official Notice, is entitled "Reliance on Common Knowledge in the Art or `Well Known' Prior Art," and in the first sentence clearly directs Official Notice only to

findings of fact. It is respectfully asserted the Official Notice is inappropriate, because the PTO may not take Official Notice of a legal conclusion, but instead must limit itself to findings of fact regarding prior art.

Furthermore, Appellants have previously traversed a similar Official Notice and requested that the PTO provide documentary evidence supporting the Notice. Appellants respectfully assert that M.P.E.P. § 2144.03(C) requires that "the Examiner Must Support the Finding With Adequate Evidence." As far as Appellants can tell, this has not been done. Appellants note that this may be because the Notice was withdrawn but inadvertently included from a previous Office Action in the detailed discussion of the claim rejections.

As detailed in M.P.E.P. § 2144.03, the standard of review applied to findings of fact is the "substantial evidence" standard under the Administrative Procedure Act (APA). See In re Gartside, 203 F.3d 1305, 1315, 53 USPQ2d 1769, 1775 (Fed. Cir. 2000). Appellants respectfully request that the PTO furnish documentary evidence showing prior art that alone or in combination meets all the elements of the Appellants' claimed subject matter and showing why one skilled in that art would be motivated to combine the subject matter of the other cited art.

7.1.1.2 Remarks

M.P.E.P. § 706.02(j) sets forth the standard for a § 103(a) rejection:

To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings.

Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (whitespace added).

Appellants begin with claim 1. Claim 1 recites:

1. (Previously Presented) A method of providing content to a receiving device having an associated identifier associated with a network address for the receiving device, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protecting the segments of the set, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier: and

providing access to the group of segments over a network.

Appellants respectfully assert that the combination set forth by the PTO fails to meet the requirement for a *prima facie* case for a § 103(a) rejection for at least the following reasons.

It is respectfully asserted that neither Lewis, Hsu, nor DirecTV, either alone or in combination, suggests or describes decrypting the segments utilizing **a correct key that is ... based** at least in part **on the associated identifier with a network address** for the receiving device. See, claim 1, lines 2, 7, & 8. The PTO asserts that the DirecTV teaches this limitation. However, it is respectfully asserted that DirecTV does **not** teach this limitation.

DirecTV instead shows **an access card that must be activated prior to decrypting content**. See DirecTV, page 15, cited by the PTO and quoted, in part, below.

> **I purchased a DSS system from a friend of mine. What do I have to do to get the system installed and activate programming?**
>
> There are three steps to follow when activating a previously owned system.
>
> First, the original owner, when turning a system over to a new individual, should contact DIRECTV and/or USSB to de-activate his/her access card. This is for the original owner's protection.
>
> Second, the new owner should contact DIRECTV right away at I-800-DIRECTV to order a new access card. DIRECTV initially charges a $150 activation fee for a new access card to be issued to the new subscriber. DIRECTV will mail the individual a pre-addressed, postage paid envelope to send back the old (original) access card. When the new subscriber mails back the original owner's access card, DIRECTV will credit the new subscriber $115 for returning the card. Hence, the new subscriber is only charged $35 for the new card. If the new owner chooses not to mail back the old access card, he/she will be charged the full $150. The process of switching out access cards protects the new subscriber from any prior charges incurred by the previous owner, and identifies the new owner as a new DIRECTV subscriber.
>
> Third, once the new owner receives an access card, he/she can call DIRECTV to immediately activate service. The individual should state to the DIRECTV representative that he/she has purchased a pre-owned DSS receiver and would like to activate programming at his/her new address.

Appellants respectfully assert that any mention of "address" in the quote above refers to a physical street address not a network address.

Appellants admit that at a cursory level this resembles portions of claim 1, but it does not actually met the § 103 requirement to "teach or suggest all the claim limitations." Specifically, DirecTV does not teach a **key that is based** at least in part **on the associated identifier with a network address**. The DirecTV document is silent on how the device decryption actually works. The reader (be it the PTO or the Appellants) is required to guess as to how the decryption functions.

For example, the DirecTV access card **may** decrypt signals based upon:

1. a key, universal to all DirecTV access cards, that is transmitted from the satellite to the card;

2. a key, universal to all DirecTV access cards, that is transmitted to the card via the DirecTV telephone line via activation; or

3. a key, universal to all DirecTV access cards, that is embedded within the access card but not activated until a control signal is received from the satellite.

Appellants point out that all of these suggestions as to how the DirecTV reference fulfills the decryption function are guesses, because the DirecTV document is silent on how the decryption is done. These guesses are just as valid as the PTO's guess that the DirecTV system decodes signals based upon an identifier, associated with the access card (as opposed to a universal key).

It is unlikely that DirecTV encodes their broadcast in such a way that there is a key associated with either a network address or an identifier on each card. DirecTV issues a single broadcast to all or half the United States (Appellants are unsure if DirecTV has both an East and a West Coast satellite). These satellites have a limited bandwidth with which to transmit the TV broadcasts.

If the PTO's guess as to how DirecTV worked was correct, each receiver would have an individual network address (supposedly embedded within the access card). Each receiver would receive a broadcast specially encrypted with that receiver's unique key (which is required to be based upon the receiver's network address). Therefore, the satellite must broadcast not 1 channel of HBO to everyone in the US but instead 1 channel of HBO encrypted for receiver #1, and another channel of HBO encrypted for receiver #2, yet another channel of HBO encrypted for receiver #3, and so on for each receiver in the US. DirecTV would be required to use their limited bandwidth for millions of channels (assuming there are millions of DirecTV subscribers), all identical in content except for the encryption. Appellants respectfully assert that it is not probable that DirecTV works in this fashion; however, this is how DirecTV would be required to

work if, as the PTO contends, the key was based upon the receiver's "network address" as opposed to a universal key.

It is respectfully asserted that the Code (35 U.S.C. § 103) does not allow prior art that may with hindsight possibly within some variation produce a limitation included within the claims. Instead, the Code specifies that the cited art must **teach or suggest** the limitation. It is respectfully asserted that all the DirecTV teaches is an access card, not a "**correct key that is** not generally available and is **based at least in part on the associated identifier**" with a network address. See, claim 1, lines 2, 7, & 8.

Under the requirements for § 103, the prior art reference (or references when combined) must teach or suggest all the claim limitations. It is respectfully asserted that neither Lewis, Hsu, nor DirecTV, either alone or in combination, suggests or describes a receiving device having "**correct key that is** not generally available and is **based at least in part on the associated identifier**."

Therefore, even if the combination were proper, although Appellants believe that it is not, nonetheless, the combination would still fail to produce the invention as recited in the rejected claims. It is, therefore, respectfully requested that the rejection of this claim be withdrawn.

7.1.1.3 Remaining Claims

Claims 2-16, and 19-32 either depend from and include the limitations of claim 1, or include a substantially similar and patentably distinct limitation as claim 1. Therefore, these claims patentably distinguish from the cited patents on the same basis as claim 1. It is, therefore, respectfully requested that the PTO withdraw the rejections of these claims.

7.1.2. Lewis, Hsu, DirecTV, & Robson: Claims 17 and 18

7.1.2.1 Remarks

The PTO has also rejected claims 17 and 18 under 35 U.S.C. § 103(a) on Lewis, Hsu, DirecTV and in combination with Robson. The rejection of these claims is also traversed.

Appellants begin with claim 17. Claim 17 recites:

> 17. (Original) The method of claim 12, wherein information identifying protected segments is contained in at least one watermark.

Claim 17 ultimately depends from the independent claim 12. Claim 12 recites:

> 12. (Previously Presented) A method of receiving and processing content by at least one receiving device having an associated identifier with a network address for the receiving device, comprising:
>
> accessing over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein the set, but not the other segments of the group, have been protected to prevent the protected segments from being properly reproduced without undoing the protection with assistance of a correct key that is not generally available and is based at least in part on the associated identifier;
>
> undoing the protection if the correct key is received; and
> playing the group of segments seamlessly with a media player.

Appellants respectfully assert that the combination set forth by the PTO fails to meet the requirement for a *prima facie* case for a § 103(a) rejection for at least the following reasons.

It is respectfully asserted that neither Lewis, Hsu, DirecTV, nor the Robson, either alone or in combination, suggests or describes **a correct key that is** ... **based at least in part on the associated identifier with a network address**.

As described in detail above, the PTO asserts that the DirecTV teaches this limitation. However, it is respectfully asserted that DirecTV does not teach this limitation. DirecTV instead shows **an access card that must be activated prior to decrypting content**. See DirecTV, page 15, paragraph 9. The DirecTV document is silent on how the device decryption actually works. The reader (be it the PTO or the Appellants) is required to guess as to how the decryption functions. Because the Code specifies that the cited art must explicitly teach or suggest the limitation, DirecTV does not meet the standard set for establishing a prima facie case of obviousness.

Therefore, even if the combination were proper, although Appellants believe that it is not, nonetheless, the combination would still fail to produce the invention as recited in the rejected claims. It is, therefore, respectfully requested that the rejection of this claim be withdrawn.

Claim 18 either depend from and include the limitations of claims 17 or 12, or include a substantially similar and patentably distinct limitation as claim 17 or 12. Therefore, these claims patentably distinguish from the cited patents on the same basis as claim 17 or 12. It is, therefore, respectfully requested that the PTO withdraw the rejections of these claims.

8. CONCLUSION

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

The fees associated with the appeal brief were submitted with the original appeal brief. We do not believe any additional fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our deposit account 500393. In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

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APPENDIX A: CLAIMS ON APPEAL

1. (Previously Presented) A method of providing content to a receiving device having an associated identifier associated with a network address for the receiving device, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protecting the segments of the set, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier; and

providing access to the group of segments over a network.

2. (Original) The method of claim 1, wherein selecting the set involves selecting at least some of the set for visual scrambling and protecting the set includes visual scrambling those segments selected for visual scrambling.

3. (Previously Presented) A method of providing content, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protecting the segments of the set, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available;

providing access to the group of segments over a network;

wherein selecting the set involves selecting at least some of the set for visual scrambling and protecting the set includes visual scrambling those segments selected for visual scrambling; and

wherein visual scrambling involves using a key, including a remote computer number.

4. (Original) The method of claim 3, wherein the remote computer number is a processor number.

5. (Original) The method of claim 2, wherein selecting the set involves designating those segments to be protected.

6. (Original) The method of claim 1, wherein selecting the set involves selecting at least some of the set for bit encryption and protecting the set includes bit encrypting those segments selected for bit encryption.

7. (Original) The method of claim 1, wherein selecting the set involves selecting at least some of the set for visual scrambling and at least some of the set for bit encryption, wherein some of the set may be selected for both visual scrambling and bit encryption, and protecting the set includes visual scrambling those segments selected for visual scrambling and bit encrypting those segments selected for bit encryption.

8. (Original) The method of claim 1, wherein a remote computer number is stored and matched against a remote computer number from a remote receiving computer during playback.

9. (Original) The method of claim 1, wherein prior to protection, the segments include video signals.

10. (Original) The method of claim 9, wherein the video signals are in an MPEG format.

11. (Original) The method of claim 1, wherein prior to protection, the segments include video and audio and both the video and audio are protected.

12. (Previously Presented) A method of receiving and processing content by at least one receiving device having an associated identifier with a network address for the receiving device, comprising:

accessing over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein the set, but not the other segments of the group, have been protected to prevent the protected segments from being properly reproduced

without undoing the protection with assistance of a correct key that is not generally available and is based at least in part on the associated identifier;

undoing the protection if the correct key is received; and

playing the group of segments seamlessly with a media player.

13. (Previously Presented) The method of claim 12, wherein at least some of the protected segments have been protected through visually scrambling.

14. (Original) The method of claim 12, wherein at least some of the protected segments have been protected through bit encryption.

15. (Original) The method of claim 12, wherein the key includes a remote computer number.

16. (Original) The method of claim 12, wherein information identifying protected segments is contained in headers.

17. (Original) The method of claim 12, wherein information identifying protected segments is contained in at least one watermark.

18. (Original) The method of claim 12, wherein information identifying protected segments is contained in data transmitted separately from the segments.

19. (Previously Presented) A content providing system, comprising:

storage to hold at least content divided into segments and an identifier associated with a network address for a receiving device;

a user interface; and

circuitry and software cooperating with the user interface to select a set of the segments to be protected from a group of segments, wherein the set does not include all segments of the group, and to protect the set of segments, but not the other segments of the group, to allow access to the unprotected segments over a network but to prevent the protected segments from being properly reproduced over the network unless the protection is undone with assistance of a correct

key that is not generally available, wherein the correct key is based at least in part on the associated identifier.

20. (Original) The content providing system of claim 19, wherein protecting the selected segments involves a key including a remote computer number.

21. (Original) The content providing system of claim 19, wherein the user interface includes options to select at least some of the set of segments to be visually scrambling and the protecting of the segments selected for visual scrambling includes visual scrambling.

22. (Original) The content providing system of claim 19, wherein the user interface includes options to select at least some of the set of segments to be bit encrypted and protecting of the segments selected for bit encryption includes bit encryption.

23. (Original) The content providing system of claim 19, wherein the user interface includes options to select at least some of the set of segments to be visually scrambled and at least some of the set of segments to be bit encrypted, wherein some of the set of segments may be selected for both visual scrambling and bit encryption, and protecting of the segments selected for visual scrambling includes visual scrambling and protecting of the segments selected for bit encryption includes bit encryption.

24. (Original) The content providing system of claim 19, wherein the content includes video signals.

25. (Original) The content providing system of claim 19, wherein the content includes video signals and audio signals.

26. (Previously Presented) An article comprising:

a machine readable media including instructions that when executed cause a content providing system to:

select a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protect the segments of the set with, but not the other segments of the group, to prevent the protected segments from being properly reproduced unless the protection is undone with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on an identifier associated with a network address for a receiving device; and

provide access to the group of segments over a network.

27. (Original) The article of claim 26, wherein protecting the selected segments involves a key including a remote computer number.

28. (Previously Presented) An article comprising:

a machine readable media including instructions that when executed cause a content providing system to:

access over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein the set, but not the other segments of the group, have been protected to prevent the protected segments from being properly reproduced without undoing the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on an identifier associated with a network address for a receiving device for the content;

undo the protection if the correct key is received; and

play the group of segments seamlessly with a media player.

29. (Original) The article of claim 28, wherein the key includes a remote computer number.

30. (Previously Presented) A method of providing content to at least one receiving device having an associated identifier associated with a network address for a receiving device, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protecting the segments of the set, but not the other segments, through visual scrambling determined based at least in part on the associated identifier; and

providing access to the group of segments over a network.

31. (Previously Presented) The method of claim 30, wherein the receiving device comprises a network information browser configured to display the provided content.

32. (Previously Presented) The method of claim 15, wherein the remote computer number is the associated identifier.

APPENDIX B: EVIDENCE APPENDIX

To the best of Appellants' knowledge, there is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

APPENDIX C: RELATED PROCEEDINGS APPENDIX

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.